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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,468

06/24/2008

Ram Srivats

04-40396-US

5915

7066 7590 01/14/2011

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PHILADELPHIA, PA 19103

EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

01/14/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,468	<b>Applicant(s)</b> SRIVATS, RAM	
	<b>Examiner</b> JASON R. BELLINGER	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-19,21-26,29-41,45,46,51,52 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19,21-26,29-41,45,46,51,52 and 55-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

***Drawings***

1. The drawings were received on 25 October 2010. These drawings are approved.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 7-10, 12-19, 23-24, 26, 29, 51-52, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans. Jurus shows an invention including all of the limitations as set forth in the above claims, except for the following:

Jurus fails to disclose the wheel being formed from steel. Evans teaches the use of forming a wheel from mild steel or HSLA steel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus from steel, as a substitute metal material, dependent upon availability, cost, and the desired chemical and physical properties.

1. Claims 5-6, 21-22, 30-37, 40-41, 45-46, 55, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans as applied to claims 1-, 7-10, 12-19, 23-24, 26, 29, 51-52, and 56-57 above, and further in view of Ashley, Jr. et al (hereafter Ashley).

Jurus as modified by Evans does not disclose the angle of the bead seats or drop center rim portion. Ashley teaches the formation of a wheel having a 5 degree central rim portion and bead seats. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus as modified by Evans with 5 degree bead seats and drop center rim, to predictably decrease the amount of effort required to mount a tire thereon.

**2.** Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans as applied to claims 1-3, 7-10, 12-19, 23-24, 26, 29, 51-52, and 56-57 above, and further in view of Beyer. Jurus as modified by Evans does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

**3.** Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus ('609) in view of Evans and Ashley as applied to claims 1-3, 5-10, 12-19, 21-24, 26, 29-37, 40-41, 45-46, 51-52, and 55-58 above, and further in view of Beyer. Jurus as

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modified by Evans and Ashley does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans and Ashley, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

### ***Response to Arguments***

4. Applicant's arguments filed 25 October 2010 have been fully considered but they are not persuasive. The Applicant argues the incorrect Jurus reference. Namely, Applicant argues that the 4,554,810 patent to Jurus does not show a complete unitary (one-piece) wheel. However, it should be noted that a second patent (5,740,609) to Jurus is also present in the application. This patent is drawn to the method of making a unitary (one-piece) wheel. Furthermore, it should be noted that both references were cited by the Applicant, and therefore, the Applicant had previous knowledge of both patents. While the rejections did not specifically set forth the patent number of the Jurus reference used, the rejections are deemed sufficiently clear that the latter Jurus patent (i.e. 5,740,609) was used therein. Namely, the first rejection set forth that the Jurus reference showed an invention "having all of the limitations as set forth in the claims", except for the type of steel that forms the wheel. Therefore, it is clear that the 5,740,609

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Jurus patent is being used in the rejection, given the fact that the 4,554,810 patent does not show a unitary (one-piece) wheel. The rejections above, maintained from the previous office action, now clearly specify that the 5,740,609 Jurus patent is being used.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. BELLINGER whose telephone number is (571)272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/  
Primary Examiner  
Art Unit 3617